



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

MYERS BIGEL SIBLEY & SAJOVEC  
PO BOX 37428  
RALEIGH, NC 27627

COPY MAILED

JUN 29 2004

OFFICE OF PETITIONS

In re Application of  
Soung-Hoon Sim, et al  
Application No. 10/719,265  
Filed: November 21, 2003  
Attorney Docket No. 5649-1151

:  
:  
: DECISION GRANTING PETITION  
:  
:

This is a decision on the petition under 37 CFR 1.10(c) filed April 5, 2004, requesting that the above-identified application be accorded a filing date of November 21, 2003, instead of the presently accorded date of November 24, 2003.

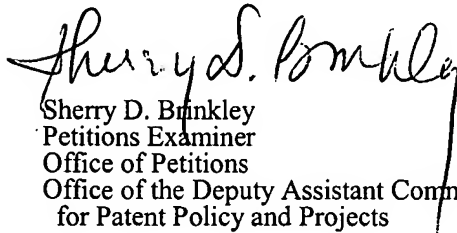
Petitioner alleges that the application was deposited in "Express Mail" service with the United States Postal Service (USPS), on November 21, 2003. In support, petitioners provide, *inter alia*, a copy of the Express Mail label, receipt No. EV353594349US. The same Express Mail receipt number was referred to in the original transmittal letter found in the application file. It is noted that while the "date in" on the copy of the Express Mail label is blank, the label includes an official USPS notation in the form of an USPS receipt stamp dated November 21, 2003.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label, MPEP 513. That is the date that verifies that the package was actually mailed. The evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on November 21, 2003.

The petition is granted.

The application is being referred to Initial Patent Examination Division for correction of the filing date to **November 21, 2003** and for issuance of a corrected filing receipt.

Telephone inquiries related to this decision should be directed to the undersigned at (703) 305-9220.  
Telephone inquiries related to OIPE processing should be directed to their hotline at (703) 308-1202.

  
Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Assistant Commissioner  
for Patent Policy and Projects